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Revised Role of the Chairman
(Goldwater-Nichols Act of 1986)
A Critique of American Pluralism?

by

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A RESEARCH REPORT SUBMITTED TO THE FACULTY

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2222INTRODUCTION

On 1 October 1986, President Reagan signed the Goldwater-Nichols Department of Defense Reorganization Act (GNA)--the first major reorganization of the Joint Chiefs of Staff (JCS) in almost 30 years, and the most significant one since the National Security Act of 1947. (12:63) This new law designated the Chairman of the Joint Chiefs of Staff (CJCS), in place of the collegial (or corporate) JCS, as the "principal military adviser" to the President, the National Security Council (NSC), and the Secretary of Defense (SecDef). The Act also assigned the Chairman all the functions previously the responsibility of the corporate Chiefs. This strengthening of the role of the Chairman appears contradictory to the precepts of pluralistic decisionmaking, precepts which are the premises on which the U.S. Constitution is based and upon which this republic operates.

The increased authority delegated to the Chairman appears to be a wholehearted endorsement of centralist (concentration of power in a central authority) decisionmaking. How did this reversal of prevailing decisionmaking philosophy, at the apex of the military establishment, prevail against political and intellectual tradition? Were Senator Barry Goldwater and Representative Bill Nichols asleep at the wheel? Were they not sensitive to the probable suppression of diverse service views, and

the potential abuse of power, even military dictatorship, which could undermine the national military policymaking process and perhaps even challenge the U.S. constitutional system?*

While the enhanced authority delegated to the CJCS does appear to run counter to the conventional wisdom embracing democratic pluralism, this paper argues that the underlying attributes of pluralism remain effectively intact at the highest level of national military decisionmaking. Despite the centralist notions apparent in the more powerful position of the Chairman, pluralism is actually preserved by clearly delineated processes through which the CJCS develops and conveys military advice to the national command authorities (NCA).

This paper will seek to dispel any perception that the GNA is a critique of American pluralism--that in an attempt to instill "jointness" into a recalcitrant military bureaucracy, Congress has thrown the baby (traditional pluralistic decisionmaking) out with the bath water (stilted, parochial, and untimely military advisory process). The empowerment of the Chairman is not a throwback to centralism, to the "man on a white horse," or to a single General Staff. This paper will review the central theme of pluralism in the U.S. Constitution, summarize the salient reasons mandating JCS reorganization, and illuminate the dilemma of accommodating pluralism with the military imperative of unity of command. With this

foundation, the paper will then examine the GNA--the legislation and the issues which deal with making the Chairman the sole military adviser to the NCA. Finally, the paper will assess the implementation of the GNA, underscoring the distinctive attributes of democratic pluralism which are operative as the Chairman discharges his restructured responsibilities.

THE MERITS OF PLURALISM

In drafting the Constitution, the Founding Fathers shared a concern over the potential abuse of power, a concern that had its roots in the writings of Montesquieu. Alexander Hamilton, in an echo of Montesquieu, asserted: "Men love power....Give all power to the many, they will oppress the few. Give all power to the few, they will oppress the many. Both therefore ought to have power, that they may defend...against the other." (3:39) The Federal Convention of 1787, utilized three prescriptive philosophies to check this potential abuse. These were the principle of limited authority (no official or group should be allowed to have unlimited legal authority), the principle of balanced authority (whenever authority is allocated by law to one official or body, that authority must be counterbalanced to some degree by allocating authority to some other official or body), and the principle of political pluralism (the potential power of one citizen or group must be balanced by the potential power of other citizens or groups). (3:39-40)

With these principles so important to the enduring success of U.S. polity, it would appear imprudent to abandon them for the sake of promoting efficiency in military policymaking and decisionmaking, or forcing "jointness" among the services.

The concept of pluralism, with its strengths and limitations, may also be discerned in a more contemporary setting. In matters relating to central intelligence, William E. Colby, a recent director of the Central Intelligence Agency has maintained, differences of opinion benefit the decisionmaking process* because a variety of options or possibilities, rather than only one, come under serious consideration. While there is undeniable merit to this point of view, bitter and protracted differences of opinion can also confuse policymakers, inhibit quick and appropriate responses, and undermine the effectiveness of existing (military) capabilities. (1:94)

* He voiced an opinion expressed forcefully by John Stuart Mill in his essay, On Liberty.

Understanding the positive attributes of pluralism, but with due regard to its limitations under conditions of crisis response possible to prescribe an organizational structure and a decisionmaking process to facilitate the effective transmission of military advice to the NCA. Debates preceding the enactment of GNA highlighted the shortcomings

of the old JCS system and addressed myriad pros and cons related to strengthening the role of the CJCS. As noted below, the enactment and implementation of GNA has overcome many deficiencies of the previous JCS, a collegial body of five equals, in its decisionmaking and advisory responsibilities. In the process, GNA has enhanced the exercise of democratic pluralism by effectively creating another power center--the Office of the CJCS--to hold in balance the power among the four services. The new construct also streamlines and enhances the manner in which the military--subject to NCA review and approval--translates national political objectives into national military objectives and military means.

WHY JCS REORGANIZATION?

In his October 2, 1985, remarks on the floor of the Senate, Senator Barry Goldwater confided, "As someone who has devoted his entire life to the military, I am saddened that the services are still unable to put national interest above parochial interest." (5:12) He went on to identify two factors inhibiting the military services' ability to work together effectively to defend the nation and to promote the national interests: first, a lack of true unity of command (principle asserting that all efforts should be directed and coordinated toward a common goal), and, second, inadequate cooperation among U.S. military services when called upon to perform joint operations. Goldwater cited

numerous instances of military operations in which these shortcomings directly contributed to operational failures-- Spanish-American War, Pearl Harbor, Leyte Gulf, Vietnam, seizure of the Pueblo, Desert One, and Grenada.

Interspersed among these military operations were many attempts by Congress to correct the problem of fragmented command authority and poor interservice cooperation. For instance, the National Security Act of 1947 provided for the "strategic direction of the armed forces and for their operation under unified control and for their integration into an efficient team of land, naval, and air forces."

(5:13) However, the responsibility to serve as executive agents for the unified commands remained with the individual services, and true unity was never achieved. In 1958 President Eisenhower declared that "separate ground, sea, and air warfare is gone forever," and he proposed changes to the 1947 National Security Act. Unfortunately, the Department of Defense (DoD) did not effectively implement the concept of unified command espoused by Ike; and the nation's ability to defend itself and its interests in other regions vital to U.S. national security was still held hostage to the separate wills of the individual services.

Solving these dilemmas of unity of command and joint cooperation clearly required a change in the entrenched organizational structure and operational procedures. The dual-hatted Joint Chiefs were caught up in a conflict of

interest--representing their own services' viewpoints and, simultaneously, sacrificing those views to the greater, common good of joint considerations. Also, as a joint body, they had no role in resource allocation--other than to don their service hats to articulate support for their own service programs as part of the resource allocation process. Civilian leadership regularly criticized the JCS for not providing use and timely military advice. As Secretary of Defense, James Schlesinger made the following disparaging remarks regarding the existing JCS structure during 1985 congressional testimony:

The central weakness of the existing system lies in the structure of the JCS....[T]he recommendations and plans of the Chiefs must pass through a screen designed to protect the institutional interests of each of the separate Services. The general rule is that no Service ox may be gored.

The unavoidable outcome is a structure in which logrolling, backscratching, marriage agreements, and the like flourish. It is important not to rock the boat.

...The proffered advice is generally irrelevant, normally unread, and almost always disregarded. (5:17)

Poor procedures resulted in another problem that characterized the JCS. One of the principal operating assumptions of the Joint Chiefs was that they should reach unanimity in rendering advice. This usually translated into suppressing or "watering down" valid alternatives, and forwarding to the NCA the least contentious alternative. The resulting

compromises tended to yield alternatives that attempted to accommodate, to at least some degree, the interests of each service. These certainly did not represent the optimal joint alternatives. This approach also resulted in limiting the range of alternatives for presentation to the SecDef.

(5:18)

These were not the only procedural problems cited by Senator Goldwater. Other problems included inadequate review of contingency plans, insufficient participation in decisions to allocate resources, and inadequate attention by the JCS to strategic planning. (5:18)

ACCOMMODATING PLURALISM WITH THE IMPERATIVE of UNITY of COMMAND

Certainly, there existed a plethora of reasons for reorganizing the JCS. In 1959, General Maxwell Taylor made the observation that the JCS has the advantages and liabilities of any committee in dealing with the issues before it. While it engaged in useful deliberations on matters of policy when time is not a factor and unanimity is not important, it was not organized to cope with operational matters requiring immediate decision. General Taylor therefore proposed separating those responsibilities of the JCS that could be dealt with by committee methods from those that require responsibility to be vested in one individual in order to get acceptable results. He suggested accomplishing this by dissolving the JCS as it existed in

1959 and replacing it with a single Defense Chief of Staff for the centralized functions and by a new advisory body called the Supreme Military Council. (7:203)

General Taylor's proposal recognized the imperative of incorporating unity of command (via the Defense Chief of Staff) in operational matters that inherently require immediate decision, but of retaining full service representation on an advisory council (Supreme Military Council) for matters of policy that rely on time-consuming deliberations. A deliberative advisory council is without question consistent with American democratic precepts of pluralism. The three prescriptive philosophies inherent in the Constitution would remain operative, ensuring the formulation of balanced and rational advice. Serving as a subordinate advisory body to the SecDef, the Supreme Military Council would be constrained by the principles of limited and balanced authority. The Council would consider matters referred to it by its civilian superiors, or could initiate a paper on any appropriate military subject. Furthermore, the Council (comprised of four-star officers on their last tour of duty) could respond either as individuals or as a corporate body, depending on the nature of the issue. The principle of political pluralism would be operative not only due to the balanced representation of the influential service representatives, but also by the fact

that each member would perform the functions of Chairman by monthly rotation. (7:203)

General Taylor's concept of a Supreme Military Council resurfaced almost four decades later when General Edward Meyer, then Army Chief of Staff, called for abolishing the JCS and replacing it with a National Military Advisory Council (NMAC) composed of senior flag officers from each service, one civilian--a senior career foreign service officer (today he would expand the interagency approach by adding a civilian economist), and the Chairman. (2:79) By creating the NMAC, Meyer's proposal effectively eliminated dual-hatting of the service chiefs--thereby allowing the chiefs to focus more exclusively on service responsibilities. Expecting the chiefs--who are legally bound to organize, train, and equip their forces--to cut their own programs or personnel is unrealistic. The NMAC would preserve the preeminent role of military leaders in advising the NCA, and largely eliminate the perceived conflict of interest created by dual-hatted JCS positions. As part of this arrangement, Meyer envisioned the NMAC assuming the leading role in military policy and program development, and serving as the ultimate advisory body for making resource recommendations to the NCA. According to Meyer, such a body could be viewed as encroaching upon the established civilian functions of the Office of Secretary of Defense. (2:78)

Despite the apparently pluralistic nature of the organizational constructs proposed by Generals Taylor and Meyer, under their plans significant problems would remain. Taylor's solution segregates the decisionmaking hierarchy on organizational, programmatic, and policy issues from that for operational issues. Experience has taught, however, that when the "balloon goes up," it is imperative that military resources, force structure, modernization, doctrine, readiness, and training--all developed and refined through critical policy decisions--converge to ensure effective operations. Force structure, programs, and policy are so entwined in operational matters that two disparate decisionmaking channels--one for peacetime policy deliberations and one for crisis-action/operational decisionmaking-- would certainly yield disaster on the battlefield. Taylor's dual-channel decisionmaking hierarchy counters an unchallenged, principal tenet of military operations, that of unity of effort.

The JCS keystone document, Joint Pub 1, defines unity of effort as a fundamental of joint warfare: "Success in war demands that all effort be directed toward the achievement of common aims." (11:21) Identification of these aims starts at the national level through national security strategy, and provides focus for all U.S. military activity. The clear articulation of aims and objectives, and the resulting strategic focus, are fundamental

prerequisites for ensuring unity of effort. (11:22)

Clearly, an effective organizational solution for providing the NCA with the best possible military advice must mandate consolidation of oversight for both operational and policy issues in a senior military adviser. This adviser must have official cognizance of all the interrelated issues--policy, programmatic, organizational, and operational--so as to be able to provide strategically focused, comprehensive, and fully integrated military advice to the NCA.

In contrast to Taylor's proposal for a Supreme Military Council, Meyer's proposal for creation of NMAC actually embodies a unified focus for policy and operational decisionmaking. However, it effectively isolates the administrative channels of the military departments, promoting the continuation of parochialism and "stovepiping" (restricting an organization's functional information flow to a vertical direction, with very limited lateral or horizontal dissemination). Such a construct would actually stem the flow of information from the service staffs to the Chairman and the Joint Staff, and create an insulated body.

Meyer's proposal contradicts two of the prescriptions for pluralism previously identified. As an autonomous body able to make ultimate resource and operational recommendations to the NCA, the NMAC would have no counterbalancing body. While its legal authority would be limited, because it would serve at the discretion of the

NCA, its deliberative decisionmaking process would not accommodate the principle of political pluralism. As Meyer envisioned NMAC, it would be one cohesive group, albeit with a breadth of individual experience, having no direct link to the individual services. Although unfettered by parochial service politics, the unfortunate consequence of such an autonomous group, however, would be the tendency to identify with its exclusive membership, developing its own "group think" mentality and, losing sensitivity to evolving service postures and perspectives. More importantly, by curtailing direct service participation in ultimate decisions relating to force composition, weapon system development, and operational employment, the national defense effort would be denied the natural interservice tensions that historically have contributed to an American way of war credited with achieving great success at relatively low cost.*

The attributes of pluralism must not be taken for granted. Centralizers, such as Colonel Peter Chiarelli, USA, in "Beyond Goldwater-Nichols," argue that the challenges of the post-Cold-War world make NMAC more relevant today than it was a decade ago. (2:78) Chiarelli argues that shrinking budgets and diminishing force structures require discipline in resource allocation decisions, and that NMAC could focus on what is in the best national interest, without being bridled by the services' inherent conflict of interests. Such proposals relegate to

the service chiefs and their staffs the status of a marketing firm that has the opportunity to propose and lobby for initiatives designed to support the national military strategy. The NMAC, with input from the CINCs [Commander-in-Chiefs of combatant commands], would then evaluate the proposal, prioritize it along with other initiatives, and formulate the final resource advice for the NCA. (2:78)

Perhaps there is a better way to ensure that the four military services remain engaged in the national debate and not focused on parochial interests. In accordance with existing legislation, the NCA should continuously challenge the services to represent their own inherent strengths and capabilities, yet remain cognizant of the joint culture upon which their future warfighting

* Espoused by Paul Kennedy in The Rise and Fall of the Great Powers.

capability will undoubtedly rest. Enforcement of this joint culture perspective can best be ensured by fully recognizing the Office of the CJCS and the Joint Staff as another, balancing, power center. Such an approach would capitalize on those attributes of pluralism which recognize the incomparable values of balanced participation and rational oversight.

GNA, as legislated, overcomes the unity of command problem associated with Taylor's Supreme Military Council, and the service isolation and concomitant power center imbalance associated with Meyer's NMAC. GNA also effectively enhances the role of the CJCS in overcoming other problems, including the inability of the JCS to (1) provide useful and timely military advice, (2) orchestrate integrated joint operations, and (3) advocate joint interests in budgetary matters. Despite these virtues, GNA may initially appear to concentrate too much power in the Chairman--something quite contrary to the tradition of democratic pluralism which encourages processes that result in competing views reaching senior-level decisionmakers. This possibility requires closer examination.

GNA--THE LEGISLATION

Title II, Section 201 (Revised Functions of Chairman) of Public Law 99-433 (GNA) amends Chapter 5 of Title 10 U.S. Code (USC) 151 by defining the advisory role of CJCS.

151(b)(1). The Chairman of the Joint Chiefs of Staff is the principal military adviser to the President, the National Security Council, and the Secretary of Defense.

151(c)(1). In carrying out his functions, duties, and responsibilities, the Chairman shall, as he considers appropriate, consult with and seek the advice of--(A) the other members of the Joint Chiefs of Staff; and (B) the commanders of the unified and specified combatant commands. (10:1005)

This organizational construct overcomes the significant shortcoming in General Taylor's proposal by retaining a source for military advice that can integrate all facets of military power--including both policymaking (administrative chain) and warfighting (operational chain) matters. The intent of Congress in GNA was twofold. First, Congress wished to strengthen the powers of the Chairman and CINCs at the expense of the services chiefs and the military departments. Second, Congress intended that the quality and timeliness of military advice improve significantly. (15:30) With this reorganization, the Chairman is clearly in the driver's seat!

The CJCS is the principal adviser in the national military establishment. While he is not in the operational chain of command, which runs from the President to the SecDef, and from the SecDef to the commanders of the combatant commands, he may, at the discretion of the President, serve as a conduit for

communications between the civilian authorities and the CINCs. Furthermore, subject to the authority, direction and control of SecDef, the Chairman serves as the CINCs' spokesman to the NCA, especially on the operational and resource requirements of their commands, and he may be assigned responsibility for overseeing the CINCs' activities. (10:23-24) While the enhanced role of the Chairman should alleviate many of the difficulties that precipitated the JCS reorganization (disunity of command, inadequate joint cooperation, service parochialism, "compromise" solutions, untimely advice, and "watered down" proposals), it also raises serious issues by its apparent disregard for pluralistic decisionmaking, a balanced and rational decisionmaking process so elementary to a democratic society.

GNA--THE ISSUES

SecDef Casper Weinberger strongly opposed any proposal to institutionalize the JCS Chairman or any other individual as the sole source of military advice to the President and the SecDef. He maintained that the advice he received from the corporate body of the JCS

was the best possible because of the collegial nature of the advisory mechanism. To filter all advice through the Chairman of the JCS potentially would deprive the President and SecDef of valuable, dissenting advice. The Secretary further stipulated that the process of providing military advice should not be a process of seeking unanimity, nor should it deny the possibility that differing viewpoints can comprise useful, appropriate, and necessary advice. (13:4)

John Lehman, then Secretary of the Navy, testified before the House Armed Services Committee against strengthening the power of the Chairman. The result of creating a single adviser to civilian authorities, he argued, would be to suppress the serious options and alternatives that a corporate body provides. Lehman believed that the JCS was properly designed as a committee because it never was intended to make decisions and to exercise command, but instead plan and to advise. National command authority must be exercised by the President, and only the President can ultimately be the authority on military affairs. In Secretary Lehman's words: The Founding Fathers, in discussing that authority and how it should be allocated, directed that that ultimate keystone in the pyramid of our defense tower should lie forever in civilian hands...The Founding Fathers rejected it [central authority residing in uniformed military hands] then and I believe it warrants rejection for the same reasons 200 years later. (13:194)

From the beginning, the function of the Joint Chiefs was to see that the President and the SecDef have the benefit of the full range of professional military views. Drafters of the original National Security Act of 1947 envisioned diversity and disagreement in deliberations relating to military policy and strategy. Lehman's fear stems from a deep-seated concern that if the Chiefs and CINCs were to be subordinate to the Chairman, who would channel all upward and downward communications, then GNA would effectively remove civilian authority from exposure to any contentious dialog and ultimately deny the NCA any real choice on military operations--one of the most sensitive and potent elements of national power. (13:195) The multiplicity of views characteristic of pluralism are critical to balanced and rational decisionmaking, and to preventing civiliar authorities from becoming captive to the views of a single military officer. There were many variations to this argument decrying the loss of pluralistic advice for the NCA.

Senator Jeremiah Denton (R-AL) questioned the "profound implications" implicit in reversing nearly 200 years of American history by designating a single uniformed officer as the "Principal Military Adviser" to the President. In the past--1947, 1949, and 1958--Congress overwhelmingly rejected similar proposals "on the grounds that, in a democracy, no single military officer, no matter what his

personal qualifications, should have such power...because of the fear of possible military dictatorship in the country."

(9:165) It serves the country well to remember that, historically the position of CJCS was created by the National Security Act Amendments of 1949 to provide an individual to expedite the business of the JCS and preside at its meetings--nothing more. One effect of the elevation of the CJCS to a position unparalleled and unprecedented in American history is a diminution of the roles of the other members of the JCS body, the service chiefs. Moreover, the substantial powers and authorities granted to the Chairman will not be exercised directly by that individual, but will require delegation to the faceless members of the Joint Staff--a burgeoning new bureaucracy which has less accountability than those from which the current responsibilities are transferred. (9:167)

Employing the characteristic "slippery slope" argument, Colonel Charles Dunlap, USAF, in his widely distributed (in military circles), farfetched, and fictional account of "The Origins of the American Military Coup of 2012," contends that trends toward the monolithic unification of the armed forces began with the GNA. His "wake-up call" scenario postulates that as a result of increasing domestic turmoil and the increasing politicization of the military, Congress--ever more politically dependent on new military programs--passed the Military Plenipotentiary Act of 2005. Supporters

of this M.P.A. viewed it as an enhancement of the strengths of Goldwater- Nichols, arguing that unity of command was critical to the successful management of the numerous activities now considered "military" operations. In effect, Congress added greater authority to the military's top leadership position, making the Plenipotentiary no longer a mere adviser, but a true commander of all U.S. services--a position that could better eradicate the effects of perceived interservice squabbling. (4:210) While the fictional account creatively relates many such highly improbable events leading to the fictional coup of 2005, it is irresponsible to link the enactment of GNA to such events. Serious transgressions against long-held, sacred American traditions would have to prevail to make the leap from the "sole military adviser" position of the CJCS (implemented under GNA) to the all-powerful, unfettered command position of the Plenipotentiary (created in Dunlap's nightmarish scenario).

An equally portentous prediction regarding the implications of GNA came from Robert Previdi in his book, *Civilian Control Versus Military Rule*. He suggests that a future President of the United States will be faced with the problem of recap role of commander-in-chief of the armed forces. Previdi believes that "military czar," GNA erodes the President's authority, thereby "starti a road which can lead, sometime in the future, to a situation where, a is run more and more by military men and, at worst, the country can ac

taken over by the military." (6:11) Such extreme fears reflect a lack of understanding of the GNA legislation. Furthermore, as discussed below, the subjugation of the U.S. military to civilian control, and the checks and balances inherent in the pluralistic nature of the GNA legislation, do not lend credence to the argument that passage of the GNA puts the nation on a dangerous path toward unchecked military power and influence. Civilian control is such a consistent and essential tenet of American culture that the nation need not fear being threatened by an empowered CJCS.*

DEALING WITH POWER, CONFLICT AND CONSENT IN A PLURALISTIC DEMOCRACY

Most of the issues raised by the opponents of JCS reorganization relate to concerns with the centralization of the advisory role of the

* Richard H. Kohn, in "The Crisis in Military-Civilian Relations," in the Spring 1994 issue of The National Interest, likewise unjustifiably pronounces the erosion of civilian control over the military by clearly overstating the power and influence exercised by the previous CJCS, General Colin Powell.

Chairman and, in effect, downplaying the role of pluralism in a most vital institution of U.S. democracy. At this juncture, a review of the essentials of pluralism when dealing with power and conflict will help assess whether the issues raised regarding the GNA are valid in its actual implementation.

In his attempt to discern how this democratic society
copes
with the inescapable problems of power, conflict, and
consent, Robert Dahl, a preeminent political scientist,
postulates that decisionmaking in the U.S. government is
effected by the operation of American pluralism--as opposed
to a straightforward application of the principle of
majority rule.

In theory, American pluralism assumes that
the existence of multiple centers of power,
none of which is wholly sovereign, will help
to tame power, to secure the consent of all,
and to settle conflicts peacefully:

Because one center of power is set against
another, power itself will be tamed,
civilized, controlled, and limited to
decent human purposes, while coercion, the
most evil form of power, will be reduced to
a minimum.

Because even minorities are provided with
opportunities to veto solutions they
strongly object to, the consent of all will
be won in the long run.

Because constant negotiations among different
centers of power are necessary in order to
make decisions, citizens and leaders will
perfect the precious art of dealing
peacefully with their conflicts, and not
merely to the benefit of one partisan but
to the mutual benefit of all the parties
to a conflict. (3:24)

These essential elements of pluralism will
serve as the measures of merit for
evaluating whether the implementation of
GNA yields an organizational construct that

complies with the prerequisites of traditional American decisionmaking philosophy. Providing the construct does comply, it appears reasonable to conclude that concerns regarding the military's inability to present a multiplicity of advice to the NCA for consideration, or fears relating to potential power abuse by the CJCS are not well founded.

IMPLEMENTING GNA

To accommodate the legitimate concerns expressed during the years of deliberation on JCS reorganization, Congress adopted several clauses which protect the plurality of advice that reaches our civilian NCA. Title 10, USC 151 of the GNA provides numerous avenues for advice, supplemental or dissenting, to reach the NCA either through or around the

Chairman:

Sec 151(b)(2). The other members of the Joint Chiefs of Staff are military advisers to the President, the NSC, and the SecDef as specified in subsections (d) and (e).

Sec 151(c)(2). ...[I]n presenting advice with respect to any matter to the President, the NSC, or the SecDef, the Chairman shall, as he considers appropriate, inform the President, the NSC, or the SecDef, as the case may be, of the range of military advice and opinion with respect to that matter.

Sec 151(d). Advice and Opinions of Members Other Than the Chairman.--(1) A member of the JCS...may submit to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to, the advice presented by the Chairman to the President, the NSC, or the SecDef. If a member submits such advice or opinion, the Chairman shall present the advice or opinion of such member at the same time he presents his own advice....

Sec 151(e). Advice on Request.--The members of the JCS, individually or collectively, in their capacity as military advisers, shall provide advice to the President, the NSC, or the SecDef on a particular matter when the President, the NSC, or the SecDef requests such advice. (10:1005)

PLURALISM SURVIVES

The U.S. Congress incorporated the foregoing provisions into the GNA to address the valid concerns of those whose testimonies before the Congressional hearings on JCS reorganization reflected concerns expressed by Secretaries Weinberger and Lehman. These provisions made it clear that the law did not mandate that military advice be filtered, or that unanimous JCS decisions. Title 10, USC 151(b) and (e) of GNA establish the role of the individual members of the JCS, and provide civilian authority to secure directly the advice of each individual JCS member. Congress also ensure that there would be no pressure for the suppression or dilution of divergent views through perceived intimidation by an all-powerful Chairman. Title 10, USC 151(c)(2) of GNA requires the Chairman to inform the NCA of the full range of military advice and opinions, as he considers appropriate. Though this caveat appears to provide CJCS unlimited discretion, a service nonconcurrence does require CJCS to

relate the disagreeing opinion to the NCA (section 151(d)(1)). In addition, sections 151(d) and (e) provide an avenue for a member of the JCS to submit to the NCA (indirectly or directly) an opinion in disagreement with, or in addition to, the advice presented by the Chairman. These provisions ensure that the reorganization of the JCS and the national military advisory process continue to promote decisionmaking pluralism while strengthening unity of command/effort.

The Joint Staff procedures established for formulating national military advice for the CJCS demonstrate how pluralism remains an indispensable element of the military decisionmaking process. The Joint Strategic Planning System (JSPS) is the primary means by which the CJCS, in consultation with the other members of the JCS and the CINCs, carries out statutory responsibilities relating to (1) the review of the national security environment and US national security objectives, (2) the assessment of current strategy and existing or proposed programs and budgets, and (3) the recommendation of military strategy, programs, and forces necessary to achieve those national security objectives in a resource-limited environment, consistent with policies established by the NCA. (8:47) A memorandum of policy stipulates the collaboration and coordination process through which strategic planning and assessment documents must be routed, providing the Service and CINC

staffs an opportunity for timely and substantive participation in the development of every JSPS document. This process extends to every major CJCS strategy recommendation forwarded to NCA.

Service action officers/planners and joint staff officers report that the GNA-driven revisions to the JSPS have significantly improved the formulation of military advice in four areas: (1) greater consistency between documents, (2) greater clarity and more definitive advice, (3) greater timeliness, hence greater relevance, and (4) greater harmony in relating strategic means to ends. (14:18) Much of this improvement is due to the creation, and service-wide reinforcement, of both a joint culture (also attributed to GNA) and an integrated perspective (promoted by shrinking military budgets) which has permeated the heretofore parochial service positions. Part of this joint culture is the recognition that each service brings unique perspectives to debates regarding defense issues, and that to ensure the best possible military judgments in a complex strategic environment, the views of all the services must be heard. In the post-Cold-War environment, it must be recognized that future military success will be dependent not only on appropriate levels of "jointness," but also on achieving outstanding service competencies. (14:31)

Pluralism is clearly reflected in the post-GNA process of formulating military advice for the NCA. A senior Joint

Staff official recently confirmed that the CJCS has always represented the full range of JCS military views and associated rationales when presenting the NCA with military options. He could not recall one occasion when a minority or dissenting view had been suppressed. The Joint Staff, professional, multiservice warfighters knowledgeable about total joint force capabilities, and operating within a joint-culture environment, are most effective in focusing on the formulation, coordination, and presentation of viable national military strategy options designed to protect U.S. interests in the post-Cold-War world. By keeping the joint community--the CJCS, CINCs, and their staffs--sufficiently empowered, the nation will be able to capitalize on this professional body with its unique joint force perspective which, in effect, serves as another center of power to balance the considerable residual power resident in the individual services.

GNA's incorporation of the legislative amendments which ensure CJCS transmission of dissenting advice to the NCA (USC sections 151(c) through 151(e)), combined with strict adherence to well-established joint staffing procedures, assure that each of the three elements of Dahl's pluralistic theory remain operative within the revised JCS advisory process. It follows that the precepts upon which the U.S. Constitution was formulated (limited and balanced authority and political pluralism) have not only been preserved by

GNA, but have once again circumscribed the potential for the abuse of power--in this case, at the highest level of American military decisionmaking.

Dahl's first element assumes that because multiple power centers are set against each other, power will be limited and coercion will be reduced. The services clearly represent divergent power centers with parochial interests. Each one is vying for its share of the defense budget, and is inclined to advocate its strengths (for example, "Global Reach and Global Power" for the Air Force) in promoting its potential contribution to America's military power equation. Survival in today's competitive force structure environment dictates that each service capitalize on its strengths, but also recognize its limitations, as well as the strengths and limitations of the other services. It is then clearly in the services' best interest to cooperate in the joint environment.

Clearly, the existence of multiple service power centers does tend to "tame" the dominance of any one. The strengthened power of the Chairman essentially creates yet another power center, which theoretically could oppose the other centers of power (the services) for dominant influence in providing military advice. The Chairman's power base is, however, limited; CJCS possesses neither service allegiance nor command authority over any military forces. The Chairman's power lies in the incumbent's ~~ability to secure~~

~~the trust and confidence of the President and SecDef through the provision of consistently sound military advice. Yet, as discussed previously, that advice is moderated through a well established coordination process and can be supplanted by dissenting opinions. Therefore, one can conclude that the first element of Dahl's American pluralism, the taming affect of multiple centers of power, is in place.~~

The second element of Dahl's theory of American pluralism asserts that the consent of all will be won in the long run because minorities are provided with opportunities to "veto" options which they find objectionable. The "veto" opportunity for each of the services (power centers) is provided in the GNA language which requires the Chairman to present dissenting service positions to the NCA. These dissenting opinions raise red flags for the NCA when they accompany the position proffered by the CJCS. There is little doubt that the best interests of all concerned will be served when the NCA are presented not only the Chairman's best military advice--which should reflect a balanced and relatively unbiased judgment--but also strong, divergent positions reflecting viable, alternative military options.

Additionally, and likely more effectively, a service can exercise a "veto" by the very manner in which it postures the forces that it organizes, trains, and equips for military operations. The NCA cannot execute any mission for which the services do not have a ready, capable force.

Whether exercised through a formal dissenting position to the NCA, or through the manner in which it postures its forces, the service with the minority opinion can cast its "veto." Obviously, the second element of Dahl's theory of American pluralism is operative in the established process for promulgating military advice.

The final, and most important, element of Dahl's theory on American pluralism stipulates that all parties to a conflict (multiple centers of power) will benefit from the constant negotiations necessary for decisionmaking. The GNA directs the Chairman to consult with and seek the advice of the service chiefs and CINCs. As the only member of the JCS without a service portfolio, the Chairman, supported by the Joint Staff, is uniquely situated to provide independent military advice and planning that cuts across service boundaries. Although--as the principal military adviser--CJCS wields considerable influence, the Chairman's advice is derived from the expertise of all the service chiefs. The Chairman's routine consultation with other members of the JCS should build consensus (although this is certainly not necessary), promote peaceful resolutions, and minimize coercion and intimidation. In response to a challenge that the GNA adversely affected the quality of military advice, General Colin Powell, CJCS until his recent retirement, rebutted, "At every step along the way, the JCS are full partners in providing military advice to the Secretary of

Defense and the President." (14:28) With the continuous opportunities for negotiation present in the process of developing military advice, all of the elements of Dahl's theory on what constitutes American pluralism are found operative in the post-GNA military advisory process.

CONCLUSION

Clearly, prior to implementation of the GNA, the JCS operated in an environment in which the characteristics of pluralism were operative in the drafting of military advice for the NCA. The deliberative JCS body in which the Chairman essentially served as a moderator among equals, however, led to numerous shortcomings stemming from the lack of unity of effort, lack of joint cooperation, and lack of timely recommendations. With the enactment of GNA, the Chairman has been invested with singular responsibility as well as greater authority. This has changed the "committee" nature of the JCS to provide much-needed unity of effort. Under GNA, the Chairman can provide a joint military perspective linked not to any service interest, but to broader defense and national interests. Furthermore, with his newly legislated authority, the CJCS is not only the "principal military adviser" representing the members of the JCS, but also represents the interests of the CINCs to the NCA.

With this expanded charter, the Chairman can provide clear, unique, and independent military guidance and advice

(no requirement to wait for service consensus) for all joint matters, including strategic planning, resource allocation, and joint operations. Certainly this will enhance the timeliness of quality military advice; yet, it raises questions whether it is achieved at the cost of denying civilian leaders a multiplicity of diverse service views, or of centralizing excessive power in the position of the Chairman. Using Robert Dahl's concept of American pluralism as a tool to assess the retention of pluralistic attributes in the military advisory process (post GNA implementation), one can only conclude that pluralism remains alive and well. GNA's empowerment of the Chairman has introduced the military imperative--unity of effort through centralized leadership--into a military decisionmaking and advisory process which, through explicitly articulated limitations, accommodates the balancing of multiple centers of military power, as well as the preservation of a methodology for capitalizing on collective rational judgment. The verification that pluralism is operative in the CJCS military advisory process should allay any fear that GNA has vested excessive power in the position of the Chairman.

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